

Appl. No. 10/719,259
Atty. Docket No. 9437Q
Amtd. dated 26 June 2006
Reply to Office Action of 17 April 2006
Customer No. 27752

REMARKS

Claim Status

Applicants' attorney would like to thank the Examiner for the telephonic interview of 26 June 2006, during which the rejection over Schoelling was discussed. Claims 1-3, 5-13 and 15-19 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 10 have been amended by replacing the words, "their lengths" with the words "the length of the tampon." Support for this amendment is found at page 7, lines 22-24 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. §102 Over 2002/0151859 (Schoelling)

Claims 1-3, 5-13 and 15-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schoelling.

With respect to the novelty of claims 1-3, 5-13 and 15-19: Applicants respectfully traverse the rejection. It was stated in the Office Action that Schoelling teaches a tampon made of compressed fibrous material with an insertion end, a recovery end, a longitudinal and radial axis, and an outer surface with longitudinal ribs (first and second surfaces) that form vertexes in both the distal and proximal portions of the tampon whereas a vertex is defined as a point of intersection of lines. The Office Action further states that the vertices are evenly spaced, and that there are multiple widths between a first and second distal vertex. (Office Action Page 2, Paragraph 2)

Claims 1 and 10 have been amended to read, "wherein along the length of the tampon there are multiple widths between a first distal vertex and a second distal vertex." Support for this amendment is found on Page 7, Lines 22-24. Schoelling does not disclose a tampon wherein along the length of the tampon there are multiple widths between a first and second distal vertex. Rather, as noted in the Office Action the vertexes in Schoelling are evenly spaced.

Appl. No. 10/719,259
Atty. Docket No. 9437Q
Amdt. dated 26 June 2006
Reply to Office Action of 17 April 2006
Customer No. 27752

Accordingly, the Applicants respectfully submit that claims 1 and 10 and their dependent claims 2-3, 5-9, 11-13 and 15-19 are novel over Schoelling and the rejection should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-3, 5-13 and 15-19 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 
Signature

James E. Oehlenschlager

Typed or Printed Name

Registration No. 50,164

(513) 634-3447

Date: 26 June 2006

Customer No. 27752

(4_25_06_Amendment-Response to Office Action_9437Q.doc)\af
Revised 11/18/2005